

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                               |   |                            |
|-------------------------------|---|----------------------------|
| THE NORTH FACE APPAREL CORP., | ) |                            |
|                               | ) |                            |
| v.                            | ) | Case no. 4:09-cv-02029-RWS |
|                               | ) |                            |
| WILLIAMS PHARMACY, INC.,      | ) |                            |
| JAMES A. WINKELMANN, JR.,     | ) |                            |
| And THE SOUTH BUTT, LLC       | ) |                            |

**JOINT MOTION TO CONTINUE SETTING OF STATUS CONFERENCE OF  
DEFENDANTS JAMES A. WINKELMANN JR. AND THE SOUTH BUTT, LLC**

COME NOW James A. Winkelmann, Jr. ("Jimmy Winkelmann") and The South Butt, LLC, by and through counsel, and for their Joint Motion to Continue, state the following:

1. By Order dated January 6, 2010 (Document 30) The Court has set a Status Conference to be conducted on Jan. 13, 2010 at 10:00 a.m. in chambers.
2. Albert S. Watkins is counsel of record for a Chicago based Financial Industry Regulatory Authority ("FINRA") member broker-dealer in connection with a pending FINRA Enforcement Action, being FINRA Case No. 2008-0120991 ("FINRA Action")
3. The FINRA action involves "on the record statements" being taken by FINRA's New York based Senior Counsel in Chicago, Illinois on Wednesday, January 13, 2010 at the FINRA offices in Chicago, Illinois.
4. The "on the record statements" have been scheduled since prior to the filing of the Complaint herein and involves pre-established travel requirements on the part of Albert S. Watkins, FINRA's Senior counsel, and impacts the statements of four individuals whose "on the record statements" are scheduled.
5. The FINRA Senior Counsel addressing this matter is Sharon Tilove-Navatta whose FINRA contact number is 646-315-7412.

6. The FINRA Action directly conflicts with the Status Conference set by the Court today.

7. As an alternative, the undersigned counsel for The South Butt, LLC and James A. Winkelmann, Jr. announces his availability for a status conference on Monday, January 11, 2010 or any day during the following week commencing on January 18, 2010, subject to the following caveats:

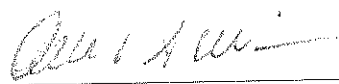
8. It is noted that the undersigned counsel is already scheduled to be in the present Court for an appearance scheduled for Thursday, January 21, 2010 at 10:00 a.m.

9. It is noted that during the week of January 18, 2010, a Madison County, Illinois Circuit Court case, being case 2008 CF 2781 People of the State of Illinois v. P.O. Bryan Pour ("Pontoon Beach Shooting Case") in which the undersigned is counsel of record for Defendant, is presently scheduled for a multi-day, if not week, jury trial commencing on January 19, 2010, however it is believed a motion for a continuance, scheduled to be heard on January 12, 2010, will be granted.

10. The undersigned also is available without restriction during the week of January 25, 2010.

WHEREFORE, the undersigned prays this Honorable Court re-set the Status Conference it set for January 13, 2010.

KODNER WATKINS MUCHNICK & WEIGLEY, LC

By:   
ALBERT S. WATKINS, LC #10651  
MICHAEL D. SCHWADE, #5214077  
7800 Forsyth Boulevard, Suite 700  
Clayton, Missouri 63105  
(314) 727-9111  
(314) 727-9110 Facsimile

albertswatkins@kwmwlaw.com  
mschwade@kwmwlaw.com

**CERTIFICATE OF SERVICE**

Signature above is also certification that on January 6, 2010 a true and correct copy of the foregoing was electronically filed with the Clerk of the Court utilizing the CM/ECF system which will send notification of such filing to all parties of record.